

**AN ACT TO REGULATE THE QUALITY OF SEED AND PLANTING
MATERIALS; AND TO PROVIDE FOR MATTERS CONNECTED THEREWITH
OR INCIDENTAL THERETO**

Be it enacted by the Parliament of the Democratic Socialist Republic of Sri Lanka
as follows :-

1.This Act may be cited as the Seed Act, No, 22 of 2003,

short title.

PART I

ADMINISTRATION OF THE ACT

2. The Director-General of Agriculture (hereinafter in this Act referred to as the "Director-General") shall be in charge of general administration of this Act and shall discharge the functions assigned to him by this Act.

Director-General of Agriculture to
be in charge of the administration
of the Act

3. The Director-General shall designate such officers of the Department of Agriculture as may be necessary for the purposes of assisting him in carrying out or giving effect to the provisions of this Act. The officers so designated are hereinafter referred to as "authorised officers".

Authorised officers

PART II

ESTABLISHMENT OF THE NATIONAL SEED COUNCIL,

4. (1) There shall be established a National Seed Council (hereinafter referred to as the "Council") for the purposes of this Act.

Establishment of the National Seed
Council.

(2) The Council shall consist of

(a) the following *ex-officio* members, namely

(i) the Secretary ;

(ii) the Director-General;

(iii) the Director in charge of Seed Certification in the Department of Agriculture (hereinafter in this Act referred to as the "Director") ;

(iv) the Executive Director of the Sri Lanka Council for Agricultural Research Policy;

(v) the Director-General of the Sri Lanka Standards Institution established by the Sri Lanka Standards Institution Act. No.6 of 1984; and

(b) not more than four members appointed by the Minister from among seed producers, seed users and seed importers (hereinafter referred to as the "appointed members"). However two of such persons shall be appointed to represent farming community who are seed users.

(3) The Secretary shall be the Chairman of the Council.

Term of office of members.	5. (1) Every appointed member shall, unless he resigns or is removed from, or otherwise vacates office hold office for a period of three years. (2) An appointed member may at any time resign his office by a letter to that effect addressed to the Minister and such resignation shall take effect upon it being accepted by the Minister. (3) Where any appointed member is temporarily unable to discharge the functions of his office on account of ill health, absence from Sri Lanka or any other cause, the Minister may appoint some other person to act in his place. (4) The Minister may, remove any appointed member from office for reasons assigned, and thereupon that member shall be deemed to have vacated his office. (5) Where an appointed member vacates office by resignation, removal or otherwise, the Minister may appoint another person in his place and the person so appointed may hold office for the unexpired period of the term of office of the member whom he succeeds. (6) An appointed member vacating office by effluxion of time shall be eligible for re-appointment. (7) The members of the Council may be paid such remuneration as the Minister may determine in consultation with the Minister in charge of the subject of Finance. (8) Subject to the other provisions of this Act and any regulation made thereunder, the Council may regulate the procedure in regard to its meetings and the transaction of business at such meetings.
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6. Subject to the provisions of this Act, the functions of the Council shall be

Functions of the Council

- (a) to establish guidelines and principles to ensure production and distribution of seed and planting materials of the highest quality;
- (b) to undertake periodic review of the progress of seed and planting materials production ;
- (c) to advise the Minister and other relevant authorities on all matters regarding the production of quality seed and planting materials and the supplying of seed and planting materials to farmers;
- (d) to review the quality standards of seed and planting materials, periodically, with a view to developing the seed and planting materials industry;
- (e) to establish appropriate minimum limits for germination viability, genetic purity, physical purity and appearance of seeds and planting materials and maximum limits for genetic impurities. damaged seeds, water content and pests (including weed seeds) allowed in seeds available in the market;
- (f) to determine the minimum labelling requirements for seed containers and for planting materials available in the market:
- (g) to determine the quality and minimum size of the seed containers for each species, kind or variety of seed available in the market; and
- (h) to take appropriate action with regard to the protection of new plant varieties.

Powers of the Council

7. The Council shall have power

- (a) to recommend fees for any services or facilities provided by the agencies of the Department of Agriculture and for the registration of seed handlers;
- (b) to identify the need for seeds and planting materials and to facilitate the provision of technical assistance to produce quality seeds and planting materials;

- (c) to co-ordinate with public sector agencies in working towards the development of the private sector seed industry and to address issues relating to seeds and planting materials:
- (d) to secure funding and manpower resources required to develop a viable seed and planting materials industry; and
- (e) to appoint special committees to carry out the decisions of the Council.

PART III

REGISTRATION PROCEDURE

- 8.** (1) All seed handlers shall be registered with the Director. Registration of Seed handlers
 (2) Every application for registration shall be in writing and shall be made to the Director in such manner as may be specified by the Director.
 (3) A registration under this section -
- (a) shall be issued on payment of the registration fee, by the applicant:
 - (b) shall be in writing and unless previously cancelled in accordance with any terms subject to which the registration was issued, shall continue in force for a period of two years; and
 - (c) shall set out the terms and conditions subject to which the registration is being issued.
- 9.** A registration issued under section 8, shall be renewable on an application made in that behalf to the Director, before the expiry date specified in the registration form. Renewal of registration
- 10.** (1) The Director may cancel a registration issued under this Act, if he is satisfied that the seed handler to whom the registration relates Cancellation of registration
- (a) has contravened any term or condition subject to which such registration was issued;
 - (b) has failed to carry out any directions given along with such registration; and
 - (c) has committed any offence under this Act or any regulation made thereunder.
- (2) Notice of cancellation shall be communicated in writing to the registered seed handler.
 (3) Any person who is aggrieved by the decision by the decision of the Director
- (a) refusing a registration;
 - (b) refusing the renewal of a registration; or
 - (c) cancelling a registration
- may within thirty days of the communication of such decision to him, appeal in writing against such decision to the Secretary giving grounds for such appeal, and the appeal shall be decided by the Appeals Panel appointed under section 15.

PART IV

PROCEDURE

Entry for purpose of inspection on premises

11. (1) It shall be lawful for the Director- General or an authorised officer having reasonable grounds there for to enter with or without assistants, at all reasonable times, upon any premises for the purpose of inspecting and examining seeds and planting materials found thereon and to take appropriate samples of such seeds and planting materials for examination and testing and the user, producer or the importer or such seed or planting materials or the owner or the occupier of such premises as the case may be, shall afford all reasonable facilities for such inspection and examination. The identity of the authorised officer shall be shown to the owner or occupier of the premises, before entry into the premises.

(2) After the inspection and examination referred to in subsection (1), if the Director-General or the authorized officer is satisfied that any seed and planting materials stored conditioned or offered for sale at any premises is in contravention of the provisions of this Act or regulations made thereunder or is not in conformity with the standards prescribed by the Council, the Director –General or the authorised officer shall communicate his decision, in writing with the reasons therefore, to the user, producer or the importer of such seed or planting materials or the owner or the occupier of premises as the case may be and direct him to carry out such preventive measures or execute such work in relation to such seed or planting materials as may be specified in such direction,

(3) It shall be the duty of the producer or the importer of such seed or planting materials or the owner or occupier of such premises, as the case may be, to comply with any direction made by Director-General or the authorised officer under subsection (2), unless such producer or the importer, owner or occupier of premises prefers an appeal against such direction through the Secretary for decision by the Appeals Panel appointed under section 15.

12. Neither the Director-General, nor any authorised officer person assisting them, shall be deemed a trespasser by reason of entry into any premises or action taken or thing done under this Act or any regulation made thereunder, Or be liable to any damages or prosecution by reason of anything done or omitted to be done in carrying out any of the provisions of this Act or of any regulation made thereunder, unless the same was done or omitted to be done by him. *malafide* and without reasonable and probable cause,

Director-General or any authorised officer or person assisting them not to be deemed trespasser by reason of entry & c.

13. (1) where any user, producer, importer, of any seed or planting material or the owner, or occupier of any premises is required or directed under section 11, to carry out any measures or to execute any work in relation to any seed or planting material in or upon any premises, and if such person fails neglects, or refuses to comply with such requirement or direction, the Director- General or an authorized officer with or without assistants may enter such premises for the purpose of carrying out such measures or executing such work.

Power of the Director-General or Authorised officer to carry out measures or execute work & recover the expenses thereof

(2) The Director- General or an authorised officer entering any premises under subsection (1), may take with him such equipment, machinery and vehicles as is or are necessary for the purpose of facilitating the exercise of his powers under subsection (1).

(3) All reasonable expenses incurred by the Director General or any authorised officer for the purpose of carrying out any measures or executing any work in or upon any premises under subsection (1), and any expenses incurred by the State shall be payable by the person who was required or directed under section 11 to carry out such measures or execute such work, and may be recovered from that person in the manner hereafter provided.

(4) Any reasonable expenses payable by any person under subsection (3) may be recovered, upon application made by the Director-General or any authorised officer authorised in that behalf by the, Director-General to the Magistrate's Court, within whose jurisdiction such person is resident or the measures were carried out or the work was executed, in like manner as a fine imposed by that court, notwithstanding that the amount of such expenses may exceed the amount of the fine which such court may in the exercise of its ordinary jurisdiction impose.

(5) The recovery of expenses from any person under subsection (4) shall not relieve such person from any prosecution for any offence to which he may be liable by reason of his failure, neglect or refusal to comply with the requirement or the direction made under this section.

PART V

SEED CERTIFICATION SERVICE

Seed Certification
Service

14. (1) The Director shall

- (a)* exercise the exclusive right to certify seed and planting materials grown in Sri Lanka;
- (b)* issue seals, stickers, stamps and labels with the mark or seal of the Seed Certification Service;
- (c)* prohibit any locally produced seed of any crop variety or hybrid from being described and sold as "certified seed" of that crop variety or hybrid if it has not been produced in accordance with the rules for production of certified seed published and administered by the Seed Certification Service of the Department of Agriculture, and in the case of imported seed, prohibit any seed of any crop variety or hybrid being described and sold as "Certified Seed" of that crop variety or hybrid unless the Seed Certification Service of the Department of Agriculture has recognized the official system of seed certification in the country of origin of that seed;
- (d)* monitor the production and processing of seed and check that the standards for certification are met;
- (e)* enter premises and inspect seed conditioning and storage facilities;
- (f)* check registers of seed movement and identity;
- (g)* implement the standards for seed certification as may be determined by the Council;
- (h)* use approved procedures in field inspection, seed testing, monitoring, seed conditioning, collecting seed samples and affixing certified labels to seed lots that qualify for certification;
- (i)* ensure that certified seed are packed, sealed and labelled in the prescribed manner;
- (j)* take samples of locally produced and imported seeds and check conformity with prescribed standards;

(k) establish and publish standards for seed certification; and

(l) maintain and publish a list of producers and suppliers of certified seed and planting materials.

(2) For the purposes of this Section the seed testing laboratories of the Department of Agriculture shall be the designated laboratory,

PART VI

APPEALS

Appeal

15. (1) An Appeals, Panel shall be appointed by the Minister .for the purposes of this Act.

(2) The, Appeals Panel shall consist of the Secretary, a Seed technologist and a Seed Pathologist.

(3) The Secretary shall be the Chairman of such Appeals Panel.

(4) The Appeal Panel, shall deliver its decision not later than sixty days from the date of the receipt of the appeal by the Secretary,

(5) the decision of the Appeal Panel shall be final and conclusive and shall be communicated immediately by the Secretary to the Appellant and the Director.

(6) The members of the Appeal Panel may be paid such remuneration as the Minister may determine in consultation Will the, Minister in charge of the subject of finance,

PART VII

OFFENCES AND PENALTIES

Offences

16. (1) Every person who without lawful authority or excuse contravenes any provision of this Act or any regulation made thereunder, or does or omits to do anything which under provisions of this Act or of any regulation made thereunder he ought not to do, or omit to do, or acts as a seed handler without being registered under this Act or resists or obstructs, or assists in resisting, or obstructing, or incites any person to resist or obstruct, the Director-General, Director or any authorised officer, or any person assisting them in the implementation of any provision of this Act or any regulation made thereunder, shall be guilty of an offence under this Act.

(2) Any person who is guilty of an offence under this Act shall be liable on conviction before a Magistrate after summary trial to imprisonment of either description to a term not less than one month and not exceeding six months, or to a fine not less than fifty thousand rupees, or to both such fine and imprisonment.

17. Where an offence against this Act has been committed by a body of persons then:

Offences
committed by a
body of persons.

(a) If that body of persons is a body corporate, every director, Manager, secretary, or officer of that body corporate; or

(b) If that body is a firm, every partner and every manager of that firm;

shall be guilty of that offence unless he proves that the offence was committed without his consent or concurrence and that he exercised all due diligence to prevent the commission of such offence.

18. (1) The Minister may make regulations in respect of any matter required by this Act to be prescribed or in respect of which regulations are authorised by this Act to be made, Regulations

(2) In particular and without prejudice to the generality of the powers conferred by subsection (1) the Minister may make regulations prescribing

- (a) the quality of locally produced or imported seed and planting materials that may be allowed to be marketed and the labelling requirements of the seeds and planting materials being marketed;
- (b) the manner in which certification the standard to determine the quality of seed and planting material shall be issued;
- (c) the protection of seed users and the promotion of the production of seed and planting materials;
- (d) the procedure for inspecting, sampling, analysis, testing or examination of seed and planting materials;
- (e) the procedure for labelling and the details to be placed on labels of seeds and planting materials and the rules and practices for quality seeds and planting material production;
- (f) the establishment and functions of committees;
- (g) the specification of regulated species, types and varieties of seeds and planting materials;
- (h) the procedures and standards for testing; and
- (i) the determination of fees to be charged for services and facilities provided.

(3) Every regulation made under Subsection (1) shall be published in the Gazette and shall come into operation on the date on such publication or upon such later date as maybe specified in the regulation.

(4) Every regulation made under Subsection (1) shall, as soon as convenient after its publication in the Gazette, be brought before Parliament for approval. Any regulation which is not so approved shall be deemed to be rescinded from the date of its disapproval but without prejudice to anything previously, done thereunder.

(5) Notification of the date on which any regulation is deemed to be rescinded under subsection (4) shall be published in the Gazette.

Rules **19.** The Council may make, rules in respect of all matters in respect of which rules are authorised to be made by this Act. .

20. Nothing in this Act shall apply to any seed or any kind or variety grown by a person and sold or delivered by him on his own premises direct to another person for being used by that other person for the purpose of sowing or planting. Application of the Act.

21. In the event of any inconsistency between the Sinhala and Tamil texts of this Act, the Sinhala text shall prevail. Sinhala text to prevail in case of inconsistency

22.In this Act, unless the context otherwise requires Interpretation

"Certified seed" means breeder seed, registered seed, pre-basic seed, basic seed, standard seed, or nucleus seed produced and labelled as "certified seed" in accordance with the standards and procedures specified in section 14 of this Act;

"importer" means any person by whose act, any seed or planting material has been landed in or entered into Sri Lanka.

"pest" shall include any biotic agent capable of causing injury or damage or economic losses to plant or plant products and shall include weed seed;

"premises" shall include any land, building, Establishment, stores freight container, vehicle, vessel or conveyance wholly or partially used for keeping, storing, conditioning, transplanting or growing plants or for keeping or storing seeds;

"prescribed" means prescribed by regulation :

"Secretary" means Secretary to the Ministry of the Minister in charge of the subject of Agriculture ;

"seed" means (1) the mature fertilized part of the plant, containing an embryo ready for germination and transformation into a seedling,

(2) seed potatoes, bulbs rhizomes, and

(3) planting materials.

"seed handler" means any person who as producer, importer, distributor, conditioner, repackager, Agent, or retailer is responsible for causing a seed to be placed in the market in Sri Lanka:

"seed lot" means a definite quantity of seed identified by a lot number, every portion or bag of which is uniform within permitted tolerance for the factors which appear on the label; and

"variety" means a plant grouping within a single taxon of the lowest rank including transgenies which can be distinctly differentiated from another of the same kind by at least one characteristic recognizable with the naked eye and is sufficiently uniform and stable after repeated propagation.